IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 10318 of 2007(C)

PETITIONER:

VINEETHA ASHOK, W/O.ASHOK KUMAR,
DIRECTOR, A.V.J.BUILDING PVT.LTD.,
IRINGOLE P.O., ASHOK BHAVAN, B.D.C.ROAD,
PERUMBAVOOR, ERNAKULAM DIST.

BY ADV. SRI.T.N.ARUNKUMAR
SRI.N.MAHESH

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, PERUMBAVOOR.

3. V.MOHANAN, (P.W.D.CONTRACTOR), S/O.VELAYUDHAN, PATHRAMALI HOUSE, MARIKKAR ROAD, PERUMBAVOOR, ERNAKULAM.

4. C.V.JAYADAS, S/O.VELAYUDHAN, CHAMBADY HOUSE, KADAVANTHARA, COCHI-20.

BY GOVERNMENT PLEADER SRI. JIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(c) NO. 10318 OF 2007

Dated this the 11th day of July, 2007

JUDGMENT

I recall the judgment dated 9/7/07 which has not been signed as before the said judgment was signed, the petitioner's counsel has wanted the matter to be spoken to and it was accordingly posted to this date.

2. The short grievance of the petitioner is that no proper investigation was conducted into Crime No.938/06 of the Perumbavoor Police Station registered, inter alia, under Secs.406 and 420 of the IPC.

3. The learned Government Pleader, on instructions, submits, and a statement to that effect has been filed by the Investigating Officer, that the final report has already been filed on 25/1/07, after due service of notice on the petitioner by the Investigator as well as by the court.

4. In these circumstances, I do not find any merit in the

contention that there has been no proper investigation. Final report having been filed much prior to the filing of this writ petition before this Court, I am satisfied that the proper course available to the petitioner is to appear before the learned Magistrate and request the learned Magistrate not to accept the refer report if there be valid reasons.

5. This writ petition is, in these circumstances, dismissed; but without prejudice to the rights of the petitioner to challenge the final report before the learned Magistrate and/or before appropriate forum by initiating appropriate further proceedings.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge